

**AMENDMENTS TO THE DRAWINGS**

The attached "Replacement Sheet(s)" of drawings include(s) changes to Figure(s) 1-4. The attached "Replacement Sheet(s)," which include(s) Figure(s) 1-4, replace(s) the original sheet(s) including Figure(s) 1-4.

Attachment: Replacement Sheet(s)

### **REMARKS**

Claims 1-4, 6, 8-12, 14-28 and 30-35 are pending in this application. By this Amendment, claims 5, 7, 13 and 29 are canceled without prejudice to or disclaimer of the subject matter contained therein; and claims 1-4, 6, 8, 10-12 and 17 are amended. No new matter is added. Applicants have included formal drawings. Reconsideration and allowance of this application are respectfully requested.

### **INFORMATION DISCLOSURE STATEMENT**

Applicants note that Information Disclosure Statements were filed on December 17, 2001 and February 4, 2003, and have not yet received copies of the Forms PTO-1449 indicating that the references were considered by the Examiner. Enclosed are copies of the Form PTO-1449 filed December 17, 2001 and February 4, 2003, and respectfully request initialed Forms PTO-1449 by the Examiner.

### **ELECTION/RESTRICTION**

As the Restriction was deemed final by the Examiner, Applicants have withdrawn claims 13-16, 18-28, 30-33 and 35. Applicants note that claims 14-16, 18-28, 30-33 and 35 may be rejoined if claim 1 is allowed, as indicated by the Examiner on page 3, item 3.

### **OBJECTION TO THE DRAWINGS**

The drawings are objected to under 376 C.F.R. § 1.83(a). Specifically, the Examiner states that the features of: a) direction of microphone having at least two sound inlet spouts (claim 3); b) one of the at least two inlet spouts of the direction of microphone merging with the at least one inlet spout of the omni-directional microphone into a combined spout (claim 5); c) the sound inlet spouts of the one or more direction of microphones and/or omni-directional to be combined with one or more spouts of external microphones outside the

assembly (claim 7); one or more switches (claim 10); d) a volume control (claim 13); and e) a moisture filter (claim 29), must be shown for the features canceled from the claims.

Applicants have canceled claims 3, 5, 7, 13 and 29 to render the objection moot as the features found in claims 3, 5, 7, 13 and 29.

With regard to claim 10, this claim has been amended to recite "a switch".

Reconsideration and withdrawal of the objection are respectfully requested.

#### **CLAIM REJECTIONS - 35 U.S.C. § 112**

Claims 3-4, 5 and 7 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

By this Amendment, claims 5 and 7 have been canceled, and thus, the rejection rendered moot.

With regard to claims 3 and 4, it is submitted that these claims have been amended to obviate the rejection.

Reconsideration and withdrawal of the rejections are respectfully requested.

#### **EXAMPLE EMBODIMENTS OF THE PRESENT INVENTION**

Example embodiments of the present invention relate to a microphone assembly that may be mounted in an electronic communication device. The microphone assembly may include one or more sound inlet ports 5, 6, one or more microphones, and one or more controlling devices for controlling the operation of the assembly. The controlling device may include a switch, such as, but not limited to, a push button, a turning knob, and a tragus responsive switch.

The one or more sound inlet ports, the one or more microphones, and the one or more controlling devices may be combined to form an integrated microphone assembly. The integrated microphone assembly may be sold and handled as a single unit to be mounted in

an electronic communication device, such as a hearing instrument. An integrated assembly provides fewer components and production, such that handling may be simplified.

**CLAIM REJECTIONS - 35 U.S.C. § 102 (KILLION)**

Claims 1-10, 12, 17 and 34 are rejected under 35 U.S.C. § 102(b), as being anticipated by Killion et al. (hereinafter "Killion"), U.S. Pat. No. 5,524,056. This rejection is respectfully traversed.

Applicants submit that Killion fails to disclose or suggest, *inter alia*, "said one or more sound inlet ports, said one or more microphones and said one or more controlling devices being combined to form an integrated microphone assembly", as recited in claim 1.

The Examiner asserts that at least element 55 of Killion corresponds to a control device (e.g., switch). However, after several readings of Killion, it is submitted that Applicants' are unable to find any disclosure or suggestion that the switch is an integrated microphone assembly. Rather, Applicants submit that the microphones in the switch 55 are separate components of the hearing aid (e.g., the switch and the microphones are not combined to form an integrated microphone assembly, as recited in claim 1).

Because Killion fails to disclose each and every feature of claim 1, it cannot provide a basis for a rejection under 35 U.S.C. § 102.

For at least these reasons, claim 1 is allowable. Claims 2-10, 12, 17 and 34 are also allowable by virtue of their dependency on allowable independent claim 1. Withdrawal of the rejection is respectfully requested.

**CLAIM REJECTIONS - 35 U.S.C. § 112 (RUEGG)**

Claims 1-10, 12, 17 and 34 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ruegg, U.S. Pat. No. 3,875,334. This rejection is respectfully traversed.

Ruegg fails to disclose or suggest, *inter alia*, “said one or more sound inlet ports, said one or more microphones and said one or more controlling devices being combined to form an integrated microphone assembly”, as recited in claim 1.

Ruegg discloses a hearing aid with a microphone that is separated from a switch (Fig. 1), a reversing switch 23 (Fig. 2), and a switch element 25 (Fig. 2).

Because Ruegg fails to disclose each and every feature of claim 1, it cannot provide a basis for rejection under 35 U.S.C. § 102.

For at least these reasons, claim 1 is allowable over Ruegg. Claims 2-10, 12, 17 and 34 are also allowable by virtue of their dependency on allowable independent claim 1. Withdrawal of the rejection is respectfully requested.

#### **CLAIM REJECTIONS – 35 U.S.C. § 103**

Claims 11-13 and 29 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Killion or Ruegg. This rejection is respectfully traversed.

Applicants submit that the combination of Killion and Ruegg fails to cure the noted deficiency set forth above with respect to Killion and Ruegg individually. In particular, Killion and Ruegg neither disclose nor suggest the sound inlet ports microphones and controlling device combined to form an integrated microphone assembly, as recited in claim 1. Accordingly, as Killion and Ruegg fail to teach or suggest each features of the claim, the rejection under 35 U.S.C. § 103 is improper. Withdrawal of the rejection is respectfully requested.

#### **CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 1-4, 6, 8-12, 14-28 and 30-35 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

John A. Castellano, Reg. No. 35,094

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

JAC/DJC/cm

Attachment: Replacement Drawing Sheets

Form PTO-1449 filed December 17, 2001 and February 4, 2003